

Translation

PATENT COOPERATION TREATY

PCT/DE2003/003507



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

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| Applicant's or agent's file reference 2002P17649WO | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) | |
| International application No. PCT/DE2003/003507 | International filing date (day/month/year) 21 October 2003 (21.10.2003) | Priority date (day/month/year) 25 October 2002 (25.10.2002) |
| International Patent Classification (IPC) or national classification and IPC H04L 12/28 | | |
| Applicant SIEMENS AKTIENGESELLSCHAFT | | |

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| 1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36. |
| 2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet. <input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT). These annexes consist of a total of _____ sheets. |
| 3. This report contains indications relating to the following items: I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application |

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|--|---|
| Date of submission of the demand 17 May 2004 (17.05.2004) | Date of completion of this report 27 January 2005 (27.01.2005) |
| Name and mailing address of the IPEA/EP | Authorized officer |
| Facsimile No. | Telephone No. |

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE2003/003507

I. Basis of the report

1. With regard to the elements of the international application:*

- ☐ the international application as originally filed
- ☒ the description:
 pages _____ 1-12 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the claims:
 pages _____ 1-27 _____, as originally filed
 pages _____, as amended (together with any statement under Article 19
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☒ the drawings:
 pages _____ 1/1 _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____
- ☐ the sequence listing part of the description:
 pages _____, as originally filed
 pages _____, filed with the demand
 pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

- These elements were available or furnished to this Authority in the following language _____ which is:
- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages _____
- ☐ the claims, Nos. _____
- ☐ the drawings, sheets/fig _____

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | | |
|-------------------------------|--------|--------------------|-----|
| Novelty (N) | Claims | 8-13, 15, 17, 18 | YES |
| | Claims | 1-7, 14, 16, 19-27 | NO |
| Inventive step (IS) | Claims | 17, 18 | YES |
| | Claims | 1-16, 19-27 | NO |
| Industrial applicability (IA) | Claims | 1-27 | YES |
| | Claims | | NO |

2. Citations and explanations

1. Reference is made to the following documents:

D1: WO 01 35585 A (ERICSSON TELEFON AB L M),
17 May 2001 (2001-05-17)

D2: US-B1-6 356 541 (TAKANEN SEPPO et al.),
12 March 2002 (2002-03-12)

2. The subject matter of independent **claim 1** is anticipated by document **D1**.

Method for selecting a network access to one or more data networks via a telecommunications terminal (page 1, lines 5 to 8), involving the steps of:

- analysing network access information obtained by said telecommunications terminal or other telecommunications terminals during network connections over the course of various network accesses (page 5, lines 8 to 12);
- selecting a network access on the basis of the analysed network access information (page 5, lines 20 to 23).

Independent **claim 25** relates to a device with

corresponding features. The subject matter of claims 1 and 25 therefore lacks novelty (PCT Article 33(2)).

- 2.1 The features of dependent **claims 2 to 7, 14, 16, 19 to 24, 26 and 27** are also known from D1 (see page 5, first paragraph; page 7, lines 18 to 23; page 10, second paragraph; page 11, lines 22 to 26; page 12, lines 25 to 28; page 14, line 1). The subject matter of these claims therefore also lacks novelty (PCT Article 33(2)).
3. The features of dependent **claims 8 to 12** are known from document D2 (see column 8, line 66 to column 9, line 28, and column 11, second paragraph). The subject matter of these claims is therefore not inventive (PCT Article 33(3)).
4. The features of dependent **claims 13 and 15** are obvious design features of a network access selection method that is known *per se*. The subject matter of these claims is therefore likewise not inventive (PCT Article 33(3)).
5. However, the additional features specified in dependent **claims 17 and 18** are neither anticipated nor suggested by the available prior art. These features are used to select a network provider according to the current position of the user, in that the position which is required in order to have access is calculated according to the selected network provider. The route to that location can also be calculated using a navigation system. These features are useful, particularly for wireless network access.

The subject matter of dependent **claims 17 and 18** therefore meets the requirements of PCT Article 33(2)

and (3) in respect of novelty and inventive step.

6. Further defects

6.1 The features of the claims are not followed by reference signs in parentheses (PCT Rule 6.2(b)).

6.2 Contrary to the requirements of PCT Rule 5.1(a)(ii), the description does not cite documents **D1** and **D2** or give an account of the relevant prior art disclosed therein.